

Remarks

Claims 27-37 are pending and are amended herein. Claims 1-24 have been cancelled. Claims 25 and 26 were not entered. The amendments to correct the Sequence ID Nos. were made to correspond with the submission made on June 14, 2002, and do not introduce substantive changes or new matter; the previous Sequence ID Nos. were for a prior version of the Sequence ID No. submission. The amendments to claims 30, 35, and 37 are supported throughout the specification and original claims, and in particular on page 3, first full paragraph. The amendment to claim 37 is further supported by original claim 1. Entry of the amendments and allowance of the claims are respectfully requested.

Applicant thanks the Examiner for the withdrawal of various grounds of rejection as set forth in paragraph 6 of the Office Action.

I. Priority

Applicant thanks the Examiner for recognition of the claim to priority for all pending claims but claims 30, 35, and 37. Applicant contends that those claims, as amended, are supported by the original specification and are therefore entitled to the benefit of priority of PCT/DE98/03819.

II. Objection to the Specification

Applicant submits amendments to the specification herein. These amendments are believed to be in proper form for entry. If not, applicant requests that the Examiner kindly be specific regarding the nature of the objection in the next action.

III. Substantial Duplication

Claims 33, 34, and 36 stand objected to, and claim 35 stands provisionally objected to, as allegedly substantial duplicates of claims 28-31. Applicants submit that in light of the amendment to the dependency of claims 33-36, the objection is moot.

IV. 35 U.S.C. § 112

Claims 30, 35, and 37 stand rejected under 35 U.S.C. § 112 as allegedly failing to comply with the written description requirement. The Office Action objects to use of the term "oligosaccharaides," and states that written description support is not provided for this term. This is a rejection for alleged "new matter."

Applicant submits that claims 30, 35, and 37, as amended, are adequately described. They now recite "short-chain oligosaccharides." That term is explicitly included in the original specification at, for instance, the first full paragraph of page 3.

Claim 37 also stands rejected for inclusion of the "at least one occurrence" language. That language no longer appears in claim 37, and the rejection is therefore moot.

V. 35 U.S.C. §§ 102 and 103

Claims 30, 35, and 37 stand rejected under 35 U.S.C. §§ 102 and 103 over Karsten *et al.* Karsten has a purported publication date of 1998. Applicants submit that, in light of the amendments presented herein, claims 30, 35, and 37 enjoy a priority date of at least December 30, 1997, and that Karsten is not a competent reference with respect to these claims. Withdrawal of the rejections is therefore requested.

Conclusion

Applicants suggest that in light of the amendments made to the specification and claims, the application is in condition for allowance. Reconsideration and allowance of all claims are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Duane A. Stewart III", with a stylized flourish at the end.

Dated: November 22, 2006

Duane A. Stewart III
Registration No. 54,468
BUCHANAN INGERSOLL & ROONEY PC
One Oxford Centre
301 Grant Street
Pittsburgh, Pennsylvania 15219
ph: (412) 562-1622
fx: (412) 562-1041